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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,029	08/06/2003	Masuyuki Takeda	1163-0466P	7366
2292	7590	08/17/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			KO, DANIEL BOKMIN	
			ART UNIT	PAPER NUMBER
			2189	

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/635,029	<b>Applicant(s)</b> TAKEDA, MASUYUKI	
	<b>Examiner</b> Daniel B. Ko	<b>Art Unit</b> 2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/6/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is responsive to the application filed on 8/6/2003. Claims 1-6 have been submitted for examination.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 8/6/2003 was considered by the examiner.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-2 and 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Minamino et al. (US Patent 7,038,993 B2), hereinafter simply Minamino.

Regarding claims 1 and 5, Minamino teaches a data reproducing apparatus comprising:

a partition acquiring means for acquiring a logical sector number of a header volume descriptor from an anchor volume descriptor recorded in a predetermined

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logical sector, and for starting replaying a disk from the logical sector number so as to acquire a logical sector number indicating a starting location of a partition (column 1, lines 62-66; column 4, lines 30-45; column 12, lines 7-36);

a file entry acquiring means for starting replaying the disk from a predetermined logical sector number so as to acquire a logical block number of a file entry (column 10, lines 49-59); and

a file position identifying means for acquiring a logical block number indicating a position of a file from the logical block number acquired by said file entry acquiring means and from the logical sector number acquired by said partition acquiring means, and for identifying a logical sector number indicating the position of the file from the logical block number acquired thereby and from the logical sector number acquired by said partition acquiring means (column 7, lines 49-67).

Regarding claims 2 and 6, Minamino teaches a data reproducing apparatus, wherein said file entry acquiring means determines whether data that is acquired every time the disk is replayed agrees with a predetermined tag identifier, and, when determining that the data agrees with the predetermined tag identifier, recognizes that a predetermined region accompanying the data is a region in which the logical block number of the file entry is recorded (column 4, lines 30-45; column 10, lines 56-59; column 16, lines 36-41).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minamino et al. (US Patent 7,038,993 B2), hereinafter simply Minamino, in view of Ando et al. (US Patent 6,594,725 B2), hereinafter simply Ando.

Regarding claim 3, Minamino teaches data reproducing apparatus comprising:  
a partition acquiring means for starting replaying a disk from a predetermined logical sector number so as to acquire a logical sector number indicating a starting location of a partition (column 4, lines 30-45; column 12, lines 7-36);

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a file entry acquiring means for starting replaying the disk from the logical sector number acquired by said root directory acquiring means so as to acquire a logical block number of a file entry (column 10, lines 49-59); and

a file position identifying means for acquiring a logical block number indicating a position of a file from the file entry that exists at the logical block number acquired by said file entry acquiring means, and for identifying a logical sector number indicating the position of the file from the logical block number acquired thereby and from the logical sector number acquired by said partition acquiring means and indicating the starting location of the partition (column 7, lines 49-67).

Minamino fails to teach a root directory acquisition mean for reading a logical block number indicating a position of a root directory, and for acquiring a logical sector number indicating the position of the root directory from the read logical block number and the logical sector number acquired by said partition acquiring means. Ando teaches a root directory acquisition mean for reading a logical block number indicating a position of a root directory, and for acquiring a logical sector number indicating the position of the root directory from the read logical block number and the logical sector number acquired by said partition acquiring means (column 40, lines 34-67).

At the time of invention it would have been obvious to a person of ordinary skill in the art to combine the Minamino with Ando. The motivation for doing so would have been an improvement of managing file identification system in order to make it easier to identify and manage different types of data (See Ando, column 2, lines 52-58).

Regarding claim 4, Minamino teaches a data reproducing apparatus in accordance with claim 3, wherein said partition acquiring means determines whether data that is acquired every time the disk is replayed agrees with a predetermined tag identifier, and, when determining that the data agrees with the predetermined tag identifier, recognizes that a region specified by the data is a region in which the starting location of the partition is recorded (column 4, lines 30-45; column 10, lines 56-59; column 16, lines 36-41).

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**Conclusion**

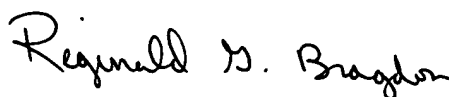
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel B. Ko whose telephone number is 571-272-8194.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reginald G. Bragdon can be reached on 571-272-4204. The fax phone number for the organization where this application or proceeding is assigned is 703-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel B. Ko  
AU 2189



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